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Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership



Llywodraeth Cymru
Welsh Government

Jenny Rathbone MS
Chair of the Equality & Social Justice Committee
Senedd Cymru
Cardiff Bay
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14 October 2022

Dear Jenny,

Further to your letter of 10 October, please find attached the additional information requested by the Equality and Social Justice Committee in relation to the Social Partnership and Public Procurement (Wales) Bill.

What measurable outcomes do you want to see to demonstrate the success of the Bill?

As I explained to the Committee in my letter of 22 July, the aims of the Bill are wide, and rest on a way of working that will help public bodies to respond to the challenges they face.

Many of the objectives of the Bill are focused on implementing change that is not easily quantifiable, for example the social partnership duty focuses on implementing culture change in existing structures, including aims to instil system leadership, which includes a commitment to a common vision and consensus among stakeholders on mutual areas of interest. Measuring this objective and other non-financial benefits requires the use of qualitative inquiry with stakeholders to determine their views on the extent to which this has occurred, and how structures and opportunities to engage can be tailored to better achieve the long-term aims.

Having said that, work to develop the evaluation framework for the Bill has identified a number of potential high-level outcomes that I would hope to see delivered.

Through implementation of the Social Partnership Council and Social Partnership duties, for instance, I would expect to see improvements in the social, economic, cultural and environmental well-being congruent with the well-being goals set out in part 2 section 4 of the Future Generations (Wales) Act 2015. I would expect to see progress towards our Fair Work standards, better quality employment, more effective policy delivery and improvements in public service delivery alongside enhanced productivity in the private sector where social partnership principles and practices are adopted. Over time, I would expect to see a system of social partnership working develop across Wales at national, regional and local levels which is cohesive and self-reinforcing.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The key outcome we intended to secure, in the short-medium term, from the amendment of the 'A Prosperous Wales' well-being goal is that when developing and meeting their well-being objectives, public bodies will more effectively consider the further steps they can take to progress fair work in their organisations and those they work with. Over the longer-term, the key outcome of this change is that public bodies as employers, as policymakers, deliverers of services and as funders of external partners, will be in a better position to lead by example on fair work and role-model the behaviours, practices and processes that we would like to see in others.

In the longer term we want to see more consistent application of good practice in pursuing wellbeing goals through procurement and contract management. Contracting authorities should be placing a higher priority on economic, social, environmental and cultural wellbeing than they are at present, and this will be evidenced by performance metrics and case studies. As was suggested in one of the scrutiny evidence sessions, it will be at least five years before we start to measure the difference that the socially responsible procurement duties are making in the data collected and reported annually. However, organisations are already contacting officials to ask what they need to consider as they develop their programmes, strategies and plans in order to meet the requirements of the forthcoming legislation.

Success will be demonstrated in the shorter term by a much clearer set of expectations, set out in guidance and training, for those involved in procurement and contract management along with an agreed set of metrics to be collected and reported. If we are successful this guidance will be properly integrated with the guidance and support that sits alongside other law, especially the UK Procurement legislation that is currently before Parliament, and the Well-Being of Future Generations (Wales) Act 2015. We should also see alignment between the bodies responsible for oversight and accountability on these pieces of legislation in Wales.

Can you clarify arrangements for consulting on the statutory guidance and confirm whether the Committee will be allowed to consider and comment on the guidance in draft form?

Statutory guidance on the socially responsible procurement duty will be multi-faceted. It will need to include material on each of the wellbeing goals and how these can be pursued through different part of the procurement and contract management process. It will need to include specific guidance that addresses issues in certain sectors, for example food and social care. It will need to include examples and case studies. Added to this is the need to align the guidance with new material required to sit alongside the new UK procurement law, and related secondary legislation in Wales. This is a complex piece of work.

We are committed to developing this guidance in social partnership, engaging with social partners and stakeholders at the outset and throughout the development of the material. Stakeholders in the procurement and contract management communities, private and third sector suppliers and policy experts will need extensive engagement and input as we develop this complex guidance.

Sections of the statutory guidance will be worked on at different times and the process will begin with an open invitation to all partners and stakeholders to get involved. As draft guidance is developed this will be consulted on, and we would be happy to share it with the Equalities and Social Justice Committee in a timely manner. However, given the work required, the draft guidance will not be available during the stages of scrutiny on the Bill but will be happy to keep the Committee updated on and involved with the work being carried out in the months ahead.

What discussions has the Shadow Social Partnership Council had on the cost of living, and on recent industrial action?

The Shadow Social Partnership Council (SSPC) brought together an extended membership of social partners to play a key role in shaping the Welsh Government's response to the Covid pandemic. It was closed down on 14 July as we moved from pandemic response to core business.

I have asked my officials to arrange for a new, repurposed group called the Social Partnership Forum (SPF) to be established this autumn as a forum for engagement with social partners with a focussed remit in preparing the way for the statutory Social Partnership Council and implementation of the Bill.

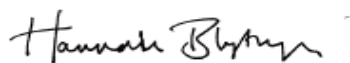
The First Minister convened a one-off meeting with a broad range of partners on the 28 September to specifically discuss the cost-of-living crisis and its impact. At this meeting the First Minister outlined he had established a new cost of living Cabinet subcommittee to provide a focus for bringing together the Welsh Government's work on addressing the crisis. In recognising the range of organisations across Wales responding to the crisis, partners are also being invited to the committee to bring their expertise and discuss ideas. These fora have not discussed industrial action as these matters are best and most appropriately resolved by the respective employers and their trade unions.

How would the Welsh Government's approach be were the Social Partnership Council to receive a substantial number of requests to mediate if the social partnership duty has potentially not been met?

Mediation is not a function of the Social Partnership Council. Section 1 of the Bill sets out the functions of the SPC which are to provide information and advice to the Welsh Ministers on the social partnership duties; on the pursuit of the "A prosperous Wales" well-being goal by public bodies when carrying out sustainable development under the WFGA 2015; and on the functions conferred on contracting authorities and the Welsh Ministers under Part 3 (socially responsible public procurement).

I trust that the Committee will find this additional information helpful.

Yours sincerely,



Hannah Blythyn AS/MS

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